

# KENOSHA POLICE DEPARTMENT

## Statement

DATE OF STATEMENT:  
11/09/04

DATE & TIME OF INCIDENT:  
11/09/04@ 0211 hours

PAGE NUMBER:  
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CASE NUMBER:  
04-156477

NAME: ERICH S. WEIDNER

DOB: 12-18-75

ADDRESS: 1000 - 55<sup>TH</sup> STREET KENOSHA, WI 53140

TELEPHONE: 262-605-5015

THIS

STATEMENT IS BEING TYPED FOR ME BY DET WALTON

OF THE KENOSHA

POLICE DEPARTMENT AND IS A TRUE AND ACCURATE ACCOUNT OF MY STATEMENT TO HIM/HER.

ON NOVEMBER 9, 2004, AT ABOUT 0150 HOURS I HAD GONE TO THE AREA OF THE 8000 BLOCK OF 14<sup>TH</sup> AVE. TO BACK UP OFFICER STRAUSBAUGH WHO HAD A VEHICLE STOPPED. I ASSISTED HIM ON THIS STOP AND AFTER THE VEHICLE WAS RELEASED WE STOOD OUTSIDE OUR VEHICLES AND WERE TALKING. AS WE WERE TALKING, A GREEN FORD EXPLORER VEHICLE DROVE BY HEADING SOUTHBOUND. THE VEHICLE WAS TRAVELING AT A NORMAL SPEED. I SAW THE DRIVER WAS A WHITE MALE BECAUSE HE HAD LOOKED OVER AT US. THE VEHICLE CONTINUED PAST US AND I DID NOT PAY MUCH ATTENTION TO IT UNTIL I HEARD THIS VEHICLE REV UP ITS ENGINE AS IT WAS TAKING OFF FROM THE STOP SIGN AT 81 ST. AND 14<sup>TH</sup> AVE. THE VEHICLE THEN TOOK OFF AT A HIGH RATE OF SPEED CONTINUING SOUTHBOUND ON 14<sup>TH</sup> AVE. I KNOW THAT THE VEHICLE WAS TRAVELING FAST BECAUSE THE TAIL LIGHTS DIPPED DOWN IN THE BACK. STRAUSBAUGH SAID THAT HE WAS GOING TO STOP THIS VEHICLE SO WE GOT BACK IN OUR CARS. OUR VEHICLES HAD BEEN FACING NORTHBOUND, SO WE HAD TO TURN AROUND TO PURSUE THE VEHICLE. I CALLED OUT TO STRAUSBAUGH THAT THE VEHICLE HAD CONTINUED STRAIGHT ON 14<sup>TH</sup> AVE. STRAUSBAUGH WAS IN FRONT OF ME AND WHEN I CAUGHT UP TO THEM HE HAD THE VEHICLE PULLED OVER IN THE 8300 BLOCK OF 14<sup>TH</sup> AVE. MY VIEW WAS PARTIALLY BLOCKED BY THE POSITION OF STRAUSBAUGH'S SQUAD, BUT WHEN I GOT OUT OF MY VEHICLE, STRAUSBAUGH WAS WALKING A WHITE MALE WHO I BELIEVED TO BE THE DRIVER OF THE VEHICLE BACK TOWARDS ME. STRAUSBAUGH HAD A HOLD OF THIS MALE BY HIS JACKET AND THE MALE APPEARED TO BE UNCOOPERATIVE. STRAUSBAUGH WALKED THIS MALE BACK TO THE AREA OF HIS SQUAD JUST BEHIND THE DRIVER'S SIDE REAR PASSENGER AREA AND TOLD THE MALE TO PUT HIS HANDS ON THE CAR. THE MALE PUT HIS HANDS ON THE SQUAD, BUT THEN KEPT TAKING HIS HANDS OFF. I SAW THAT THERE WAS A PASSENGER IN THE VEHICLE SO I WAS KEEPING AN EYE OF THAT PERSON. I THEN COULD HEAR STRAUSBAUGH TELLING THE MALE TO PUT HIS HANDS BACK ON THE CAR. I THEN DIRECTED MY ATTENTION TO THE MALE WITH STRAUSBAUGH. STRAUSBAUGH AGAIN TOLD THE MALE TO PUT HIS HANDS BACK ON THE CAR AND HAD TO PHYSICALLY PUT THE MALES HANDS ON THE CAR. STRAUSBAUGH WAS STARTING TO PAT THE MALE DOWN, BUT THE MALE KEPT TAKING HIS HANDS OFF OF THE CAR. STRAUSBAUGH FOUND A WALLET ON THE MALE AND WAS LOOKING FOR AN ID. STRAUSBAUGH PULLED OUT A MILITARY ID AND I ASKED HIM IF HE HAD A WISCONSIN ID AND HE REPLIED NO. STRAUSBAUGH THEN RECOGNIZED THE NAME ON THE ID AND TOLD THE MALE THAT HE KNEW HIM AND THAT HE WAS OUT ON BOND AND THAT THERE WAS A COURT HEARING COMING UP. STRAUSBAUGH THEN SAID TO THE MALE, WHO WAS NOW ID AS MICHAEL BELL, THAT HE

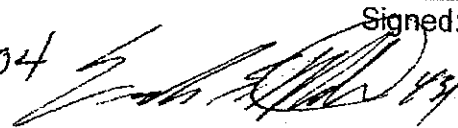
Witness:

Date:

Signed:

Det. Walton #248

11-09-04



RECORDS BUREAU

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DID NOT BELIEVE THAT HE WAS SUPPOSED TO BE DRIVING OR DRINKING. WHEN I INITIALLY ENCOUNTERED BELL, I DETECTED AN ODOR OF INTOXICANTS ABOUT HIM. I WAS HOLDING ONE OF THE HANDS OF BELL ON THE VEHICLE WHILE STRAUSBAUGH WAS RUNNING HIS INFORMATION WITH DISPATCH. STRAUSBAUGH THEN TOLD ME TO GO AND GET AN ID FROM THE PASSENGER. I STARTED TO GO TOWARDS THE PASSENGER, BUT I THEN HEARD STRAUSBAUGH TELLING BELL AGAIN TO GET HIS HANDS BACK ON THE CAR. I THEN WENT BACK TOWARDS STRAUSBAUGH. STRAUSBAUGH THEN TOLD BELL THAT SINCE HE WAS NOT COOPERATING THAT HE WAS GOING TO HAVE A SEAT IN THE SQUAD. BELL REPLIED THAT HE WAS NOT GOING TO GET IN THE CAR. STRAUSBAUGH THEN DIRECTED BELL TOWARDS THE SIDEWALK. AS THEY GOT ON THE SIDEWALK, STRAUSBAUGH TOLD BELL THAT HE WAS GOING TO DO A FIELD SOBRIETY TEST. BELL REPLIED BACK THAT HE WAS NOT GOING TO DO IT AND BELL TURNED AROUND AND BEGAN WALKING NORTHBOUND. WE BOTH GRABBED HIM BY HIS ARMS AND BELL TENSED UP. WE WERE GOING TO ATTEMPT TO HANDCUFF BELL AT THIS POINT, BUT HE BEGAN RESISTING AND WOULD NOT PUT HIS HANDS BEHIND HIS BACK AS WE WERE DIRECTING HIM TO DO. I TOLD STRAUSBAUGH THAT WE NEEDED TO TAKE HIM TO THE GROUND FOR MORE CONTROL AND WE DIRECTED HIM TO THE GROUND. BELL CONTINUED TO RESIST BY TRYING TO GET HIS ARMS AWAY FROM US. WHEN I WAS ABLE TO FREE ONE OF MY HANDS, I CALLED ON THE RADIO FOR ASSISTANCE. WE CONTINUED TO YELL AT BELL TO STOP RESISTING BUT HE CONTINUED TO RESIST. STRAUSBAUGH DID DELIVER SEVERAL KNEE STRIKES TO BELL'S RIB AREA, BUT BELL CONTINUED TO RESIST. STRAUSBAUGH THEN YELLED THAT HE WAS GOING TO TAZER HIM. I SAW STRAUSBAUGH BACK OFF AND WHILE I STILL HAD A HOLD ON BELL, I COULD SEE THE RED LASER LIGHT ON BELL AND I TOLD HIM THAT IF HE DID NOT STOP RESISTING THAT HE WAS GOING TO GET TAZED. BELL SAID SOMETHING, BUT I THEN LET GO OF HIM AND STRAUSBAUGH SHOT HIM WITH THE TAZER. I SAW THE TWO WIRES COMING FROM THE GUN AND THE SOUND OF THE TAZER BEING ACTIVATED. BELL TENSED AND THEN JUMPED UP QUICKLY AND TOOK OFF RUNNING THROUGH THE GRASS TOWARDS THE HOUSE. STRAUSBAUGH CHASED AFTER BELL WITH THE TAZER STILL ACTIVATING. BELL RAN INTO THE SIDE OF A BLACK VEHICLE PARKED IN THE DRIVEWAY WHICH ALLOWED STRAUSBAUGH TO CATCH UP TO HIM AND THEIR MOMENTUM PUSHED THEM AGAINST A WHITE MINI VAN WHICH WAS ALSO PARKED IN THE DRIVEWAY IN FRONT OF THE BLACK CAR. THERE WAS ABOUT A THREE FOOT DISTANCE BETWEEN THE PARKED CARS AND THE SIDE OF THE HOUSE. I SAW STRAUSBAUGH GET PUSHED UP AGAINST THE HOUSE AND STRAUSBAUGH PUSHED BELL BACK TOWARDS THE CAR. THEY WERE PHYSICALLY FIGHTING EACH OTHER AT THIS TIME. STRAUSBAUGH STILL HAD THE TAZER IN HIS HAND WHILE HE WAS FIGHTING WITH BELL. STRAUSBAUGH YELLED TO ME THAT BELL WAS TRYING TO GET AT HIS GUN. I YELLED TO STRAUSBAUGH TO DROP THE TAZER SO I COULD HELP HIM. THE TAZER FELL TO THE GROUND AND I GRABBED BELL FROM BEHIND AND HAD A HOLD OF HIS ARM, BUT HE WAS STILL FIGHTING WITH HIS FREE ARM. WHEN I GRABBED BELL, HE PUSHED BACK AND I HIT UP AGAINST THE MINI VAN. THE THREE OF US CONTINUED TO STRUGGLE AND WE ENDED UP IN FRONT OF THE MINI-VAN AND WE WERE TRYING TO GET HIS HANDS BEHIND HIS BACK TO CUFF HIM. I THINK THIS IS WHEN I CALLED FOR ASSISTANCE THE SECOND TIME. WHILE WE ARE STILL ON OUR FEET, STRAUSBAUGH GOT ON THE RADIO AND ADVISED DISPATCH THAT WE WERE IN THE BACK YARD. I TOLD STRAUSBAUGH THAT WE NEEDED TO GET HIM BACK ON THE GROUND, AND WE DIRECTED HIM TO THE GROUND. I THEN HEARD A WOMAN IN

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THE BACKGROUND SCREAMING AND A FLOOD LIGHT CAME ON. THE WOMAN WAS YELLING ASKING WHAT WAS GOING ON. THE WOMAN BEGAN APPROACHING US AND WE TOLD HER TO STAY BACK. WHEN SHE GOT CLOSE TO US I HEARD HER YELL THAT IT WAS HER SON. WE CONTINUED TO FIGHT WITH BELL AND I TRIED TO KEEP THE FEMALE BACK. AT ONE POINT, I HAD HOLD OF HIS LEFT HAND WHICH HE HAD ON THE GROUND SUPPORTING HIS WEIGHT. I TOOK OUT MY HAND CUFFS AND WAS GOING TO PLACE ONE OF THE CUFFS ON THIS LEFT WRIST. AS THE CUFF TOUCHED HIS WRIST AND THE RATCHING SOUNDED, HE PULLED HIS LEFT HAND AWAY QUICKLY AND THE CUFF MISSED AND THE SET FELL ON THE GROUND. I DID NOT ATTEMPT TO RETREIVE THEM AT THAT POINT. I BELIEVE THAT STRAUSBAUGH HAD TO PHYSICALLY PUSH THIS FEMALE BACK TWICE AND I HAD TO PUSH HER BACK ONCE. WE KEPT TELLING THE FEMALE TO STAY BACK AND SHE KEPT YELLING THAT THIS WAS HER SON. AT THIS POINT I SAW LT. KRUEGER COME RUNNING TOWARDS US FROM AROUND THE BACK OF THE HOUSE. I SAW LT. KRUEGER HAD HIS TAZER OUT AND HE WAS DISCONNECTING THE CARTRIDGE SO THAT HE COULD DO A DRIVE STUN. I BACKED OFF SO THAT HE COULD ATTEMPT TO TAZE HIM AND I SAW THE TAZER COME DOWN TOWARDS BELL AND I HEARD THE CRACKLING SOUND. BELL JUMPED UP QUICKLY AND TOOK OFF WESTBOUND. WHEN I GOT UP, LT. KRUEGER, OFFICER GONZALES AND STRAUSBAUGH HAD BELL UP AGAINST THE HOOD OF THE VEHICLE IN FRONT OF THE MINI- VAN AND THEY WERE STILL FIGHTING WITH BELL. I STARTED TO GO TOWARDS THEM BUT I SAW THE FEMALE COMING TOWARDS THEM AGAIN AND I TOLD HER TO STAY BACK. THERE WAS ANOTHER FEMALE THERE AND SHE GRABBED THE SCREAMING OLDER FEMALE. I THEN TURNED BACK TOWARDS THE FIGHT, AND I HEARD STRAUSBAUGH YELLING IN A TERRIFIED VOICE "HE'S GOT MY GUN!" AND HE YELLED THIS SEVERAL TIMES IN SUCCESSION. I LOOKED TOWARDS HIS GUN WHICH IS ON THE RIGHT SIDE OF HIS HIP AND I COULD SEE A HAND ON TOP OF THE GUN WHICH WAS STILL IN THE HOLSTER. THE HAND THAT WAS ON THE GUN WAS POSITIONED OPPOSITE OF THE DIRECTION THAT AN OFFICER WOULD HAVE GRABBED HIS GUN. I SAW STRAUSBAUGH TWIST HIS HIP AREA TO TRY AND DIRECT HIS HOLSTER AWAY AND HIS HOLSTER MOVED TOWARD THE CENTER OF HIS HIP AREA. AT ABOUT THE SAME TIME I HEARD THIS POP SOUND AND THEN EVERYTHING STOPPED. I THEN HEARD THE OLDER FEMALE YELLING SOMETHING TO THE EFFECT OF "DID YOU SHOOT MY SON, DID YOU KILL MY SON?" I KEPT TELLING HER TO STAY BACK AND AT ONE POINT SHE SLUMPED TO THE GROUND. THE FEMALE THAT WAS WITH HER AND I HELPED HER GET BACK UP AND I TOLD HER THAT SHE NEEDED TO GO INTO THE HOUSE AND THAT WE WERE JUST TRYING TO ARREST HER SON. I THEN ESCORTED HER ONTO THE PORCH OF THE HOUSE. THE FEMALE TOLD ME THAT SHE ALWAYS LIKED POLICE OFFICERS AND THAT WE WERE GOOD PEOPLE AND SHE WAS BEGGING ME THAT WE NOT HURT HER SON. AFTER I SAW THAT SHE WAS BACK INSIDE THE HOUSE, I WENT BACK OUT TOWARDS THE OTHERS THEY WERE STILL HOLDING ON TO BELL AGAINST THE CAR AND I SAW A LARGE AMOUNT OF BLOOD RUNNING DOWN THE HOOD. LT KRUEGER THEN ASKED IF ANYONE HAD A GOOD CAMERA AND I TOLD HIM THAT I DID AND AS I WALKED OUT TOWARDS THE FRONT OF THE HOUSE I HEARD A VOICE YELLING AND I REALIZED THAT THE PASSENGER WAS STILL IN THE VEHICLE THAT BELL HAD EXITED ON THE TRAFFIC STOP. I WENT OVER BY THIS MALE AND HE KEPT ASKING WHAT WAS GOING ON. I HAD HIM GET OUT OF THE VEHICLE AND HE GAVE ME HIS ID AND I ASKED HIM WHO THE OTHER GUY WAS AND HE STATED THAT HE WAS HIS FRIEND. THIS MALE WAS HIGHLY INTOXICATED AND TOLD ME THAT THE VEHICLE BELONGED TO HIM BUT THAT HIS FRIEND

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WAS DRIVING. I PUT THIS MALE IN THE BACK OF MY SQUAD. I THEN HEARD ALL OF THE SQUADS RESPONDING AND I ADVISED DISPATCH OF THE EXACT LOCATION WE WERE AT.

DET. WALTON TYPED THIS STATEMENT FOR ME, I HAVE READ IT AND STATE THAT ALL THE FACTS ARE TRUE AND ACCURATE.

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*[Signature]*

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